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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 LAVERN CHARLES FASTHORSE,

9 *Petitioner,*

10 vs.

11 STATE OF NEVADA, *et al.,*

12 *Respondents.*
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2:16-cv-02495-APG-VCF

ORDER

15 Petitioner has submitted an application to proceed *in forma pauperis* and a habeas petition. ECF
16 No. 1.

17 The matter has not been properly commenced because the pauper application does not include
18 all required attachments. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2, a petitioner must
19 attach both an inmate account statement for the past six months and a properly executed financial
20 certificate. Petitioner did not attach a financial certificate or an inmate account statement for the past
21 six months. The application therefore is incomplete.

22 The application for leave to proceed *in forma pauperis* will be denied, and the present action
23 will be dismissed without prejudice to the filing of a new petition in a new action with a pauper
24 application on the proper form with all required attachments.

25 It does not appear from the papers presented that a dismissal without prejudice will materially
26 affect a later analysis of any timeliness issue with regard to a *promptly* filed new action.

27 **IT THEREFORE IS ORDERED** that the application to proceed *in forma pauperis* (ECF No.
28 1) is **DENIED** and that this action shall be **DISMISSED without prejudice** to the filing of a new

1 petition in a new action with a properly completed pauper application.

2 **IT FURTHER IS ORDERED** that a certificate of appealability is **DENIED**, as jurists of
3 reason would not find the court's dismissal of this improperly commenced action without prejudice to
4 be debatable or incorrect.

5 **IT FURTHER IS ORDERED** that the Clerk shall send petitioner two copies each of an
6 application form to proceed *in forma pauperis* for incarcerated persons and a noncapital Section 2254
7 habeas petition form, one copy of the instructions for each form, and a copy of the papers that he
8 submitted in this action.

9 **IT FURTHER IS ORDERED** that the Clerk of Court shall enter judgment accordingly and
10 close this case.

11 Dated: November 10, 2016.

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14 UNITED STATES DISTRICT JUDGE
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